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REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed July 11, 2005 is requested in view of this amendment and the following remarks. Claims 1-19 were pending and at issue prior to this amendment. Claims 1, 2, 3, 7, 16 and 19 are amended by this amendment and no new matter has been added.

Objection to Claim 19 as Depending from Itself

Due to an inadvertent typographical error, Claim 19 as filed depended from itself. Claim 19 has been amended to depend from claim 18, as originally intended.

Rejection of Claims 1, 3-5, 7-9, 12-15, 18 and 19

The examiner rejected claims 1, 3-5, 7-9, 12-15, 18 and 19 under 35 U.S.C. § 102 as being anticipated by Jean (FR2659940). Applicants respectfully traverse this rejection and submit that it should be withdrawn because Jean does not teach or disclose all of the limitations of Applicants' claimed invention. For example, Jean fails to disclose a self-heating/cooling tray having a first reactant chamber having a breakable barrier attached to the first reactant chamber which seals the first reactant chamber from a second reactant chamber.

Instead, Jean discloses a tray having two glass bulbs which contain a reactant such as sulfuric acid. The two glass bulbs are surrounded by water. The first glass bulb is broken by exerting pressure on an actuator. The actuator is not a "piercing member" as required in Claim 1 and there is no "breakable barrier attached to said first reactant chamber." To the contrary, the Jean device utilizes glass bulbs to contain one of the reactants and the bulbs are surrounded by water which is the other reactant. Once the first glass bulb is broken, the reactant contained therein mixes with the water to create an exothermic reaction. This reaction heats the water up enough to melt the second glass bulb which releases the reactant contained therein. This second

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stage of the reaction further heats the liquid.

In contrast to Applicants' claimed invention, the Jean device is very complex, and expensive to manufacture. Moreover, glass bulbs are fragile and present a safety hazard, especially in the presence of food items. By contrast, Applicants' claimed invention utilizes a breakable barrier attached to the first reactant chamber which can be pierced by the piercing member. Accordingly, Claim 1 is not anticipated by Jean.

Claims 2 and 3 depend from claim 1 and are not anticipated by Jean for at least the same reasons as claim 1 and for the following additional reasons. Jean does not disclose any breakable barrier which is adhesively attached to the first reactant chamber. Moreover, Jean does not disclose a breakable barrier which can be adhesively attached (Claim 2) to the first reactant chamber in order to separate the reactants until the actuator is activated. And Jean is similarly silent as to the attachment method recited in Claim 3.

Claims 7-9, 12-15, 18 and 19 also depend from claim 1 and are not anticipated by Jean for at least the same reasons as claim 1 and also for the following reasons. Jean does not appear to disclose a vent hole (claims 7-9, 18-19) for venting gas to outside of the reactant chambers, an air gap (claim 9), or a full panel pull-off (claims 14 and 15). Accordingly, these claims are not anticipated by Jean and this rejection should be withdrawn.

Rejection of Claims 2, 6, 10 and 11 under 35 U.S.C. Section 103

In the Office Action, the examiner rejected claims 2, 6, 10 and 11 under 35 U.S.C. Section 103 as being unpatentable over Jean in view of information given Official Notice. First of all, Applicants object to Official Notice being given to the use of glue or any adhesive, water and calcium oxide as components of an exothermic reaction, a separate container rather than integral, and snap-fit construction. None of these elements has been shown to be notoriously old

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and well-known in the relevant field. Applicants require that the examiner provide documentary proof of these conclusions.

Moreover, as shown by Jean and some of the other prior art references cited by the examiner, these aspects are not notoriously old and well-known in the art. Jean uses sulfuric acid and water as the reactants. Furthermore, Jean does not have any need for an adhesive to attach a breakable barrier because it teaches away from such a construction in its use of self-contained glass bulbs. Accordingly, Applicants submit that this rejection should be withdrawn.

In addition, as discussed above, neither Jean nor the other cited prior art teach or suggest a self-heating/cooling tray having a first reactant chamber having a breakable barrier attached to the first reactant chamber which seals the first reactant chamber from a second reactant chamber. Claims 2, 6, 10 and 11 all depend from claim 1 and are therefore non-obvious over Jean for at least the same reasons applicable to claim 1 as explained above.

Rejection of Claims 16 and 17 under 35 U.S.C. Section 103

In the Office Action, the examiner rejected claims 16 and 17 under 35 U.S.C. Section 103 as being unpatentable over Jean in view of Kaneko (U.S. Patent No.5,295,475.) Claims 16 and 17 depend from claim 1 and are therefore patentable over Jean in view of Kaneko for at least the reasons set forth above for claim 1.

Conclusion

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly

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understand the scope of the claim language.

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicants' undersigned representative at the phone number listed below.

Respectfully submitted,

Dated: October 18, 2005

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